

CITY COUNCIL, CITY OF LODI  
COUNCIL CHAMBER, CITY HALL  
MAY 20, 1954

Pursuant to the adjournment by the City Clerk of the regular meeting of May 19, 1954, the City Council of the City of Lodi met at 8:00 o'clock p.m. of Thursday, May 20, 1954; Councilmen Hughes, Mitchell, Richey, Robinson and Fuller (Mayor) present; none absent. City Manager Weller and City Attorney Mullen also present.

Minutes of the previous meetings, April 28, 1954 and May 5, 1954 were approved as written and mailed.

COMMUNICATIONS

PERSONAL A claim for damages on account of injuries sustained  
INJURY by John Woulos, Europa Hotel, Lodi, California,  
CLAIM at the intersection of Washington and Elm Streets  
was rejected by the City Council, and the City  
Clerk was instructed to so notify the claimant  
through his attorney, George G. Spanos of Stockton,  
California. The claim was in the amount of \$4,000.

HOLLY DRIVE A petition, signed by twenty-four individuals,  
requesting the City Council to defer any action  
on the proposal to complete Holly Drive until  
such time as Mr. Harold Wise could be present to  
present the pros and cons of the problem to the  
City Council, was acknowledged and ordered filed  
on the motion of Councilman Robinson, Hughes second.

PUBLIC HEARINGS

AMENDMENT TO At the order of the Mayor, a public hearing was  
ZONING ORD. held on the proposed amendment to Ordinance No.  
469 (Zoning Ordinance) to provide authority for the  
City Planning Commission to modify front yard set-  
back requirements in new subdivisions when it is  
determined that such modification would provide  
better development. Due notice of the public hear-  
ing was substantiated by affidavit. There being  
no protests received, oral or written, Ordinance  
No. 509 was introduced on the motion of Councilman  
Hughes, Mitchell second.

HOLLY DRIVE Mr. Blake Miller addressed the Council to inquire  
the effect of the Council's action in filing the  
petition pertaining to the Holly Drive opening.  
Mr. Mullen replied that the law specifically gave  
the subdivider the right to appeal a decision of  
the Planning Commission relating to the acceptance  
or rejection of a tentative subdivision map. He  
added that if an appeal to the decision of the  
Planning Commission were filed with the City Coun-  
cil, the City Council could set a public hearing,  
provided the subdivider would agree to the delay  
in signing the Final Map. He pointed out that the  
City Council was not legally required to hear or  
act on an appeal unless the appeal was made by or  
on behalf of the subdivider. Councilman Hughes  
pointed out that the Planning Commission had re-  
ceived petitions on both sides of the controversy,  
that it was a democratic body, and that both sides  
had been heard before the Commission made its  
decision. Mr. Miller stated that it was very  
obvious that certain members of the Commission

were biased on the matter. Councilman Hughes took exception to the charge and stated that he was sure the Commission was a very fair body. Mr. Miller stated that the Northern San Joaquin County Safety Council and the State school authorities might be interested in giving an opinion of the safety factors involved in opening Holly Drive behind the Washington School. Councilman Robinson stated that the City Planning Commission had gone through the question very thoroughly. He added that many of the commissioners felt that failure of Holly Drive to go through would present an intolerable situation on Lockeford Street for the Washington School. He also pointed out that the Planning Commission had the matter before it on two different occasions. Mrs. Charles May stated that the opening of Holly Drive would create a dangerous traffic hazard for children who must cross Holly Drive to get to school because there are no intersections to slow traffic between California Street and Ham Lane. City Attorney Mullen stated that the Council had a choice of two actions. It could either affirm the action of the City Planning Commission or it could set a public hearing on the matter with the permission of Stone Bros., the subdividers. He pointed out that if the Council affirms the action of the Commission, the people could take the matter to the Superior Court for a decision as to the reasonableness of the decision. Councilman Richey stated that she believed the matter should be postponed until a hearing could be held. She knew the Planning Commission to be a fair and able body, but she felt that the people should have a hearing, and a delay of two weeks or a month would not harm anyone. She then moved that a public hearing be set, providing Stone Bros. would agree and all legal aspects of the matter are met, and that Mr. Wise be asked to attend to present his views on the question. The motion was seconded by Councilman Hughes. The City Attorney cautioned the City Council that, if the motion were adopted, the members of the Council should refrain from any discussion of the matter with the citizens of the community before the hearing so that they can hear all sides of the question with an open mind. Councilman Robinson stated that he agreed that the people should have hearings; however, in this case the people had ample hearing before the City Planning Commission. The motion was then defeated by the following vote:

AYES: Councilmen Richey and Hughes

NOES: Councilmen Robinson, Mitchell and Fuller

Following the vote on the motion, Mrs. Bing Taylor indicated her opinion that some members of the City Council should not be qualified to vote on the question due to personal bias. She then thanked the Council for its consideration in hearing the views of the group. Mr. Charles Boynton told the Council that the matter had been handled according to democratic process and he appreciated the manner in which the hearing had been conducted.

Mr. Clifford Bull invited the councilmen to accompany members of the Chamber of Commerce to Sacramento to attend the meeting of the State Highway Commission to be held May 21, 1954.

## REPORTS OF THE CITY MANAGER

RES. #1814  
ADOPTED

AWARD  
CONCRETE  
PIPE

Mr. Weller reported the bids received for furnishing concrete pipe had been tabulated and indicated that Spiekerman had been low bidder by a small margin on two sizes of pipe and Mumbert had been low bidder on three sizes. The bids for 6 and 8 inch pipe had been identical. Mr. Weller recommended that the award on the items be split. On the motion of Councilman Robinson, the Council voted to adopt Resolution No. 1814 awarding the contract as follows:

## TO SPIEKERMAN

3200 feet of 18 inch pipe at \$.87	\$2,784.00
500 feet of 14 inch pipe at \$.57	285.00
6000 feet of 6 inch pipe at \$.32	1,920.00

## TO MUMBERT

3600 feet of 16 inch pipe at \$.71	\$2,556.00
1500 feet of 12 inch pipe at \$.45	675.00
1500 feet of 10 inch pipe at \$.38	570.00
2000 feet of 8 inch pipe at \$.34	680.00

AWARD  
COMMUNUTOR

RES. #1815  
ADOPTED

The City Manager reported that one bid had been received for the purchase of the Communitor for installation at the sewer plant. The Chicago Pump Company submitted a bid of \$5844.00, including tax, with an allowance of \$3021.19 trade-in for the City's small Communitor. The award for the Communitor was made to the Chicago Pump Company by the adoption of Resolution No. 1815 on the motion of Councilman Richey, Mitchell second.

WASHINGTON  
STREET SEWER  
INTERCEPTOR

BIDS  
REJECTED

Mr. Weller presented the following tabulation of bids received for the construction of the sanitary sewer interceptor on Washington, Vine and Stockton streets:

William Burkhardt	\$18,024.00
Jardim and Rodriques	7,742.00
Stockton Construction Co.	19,840.00

Mr. Weller reported that the City Engineer's estimate of the cost of the work covered by the specifications is \$13,544.00. He also reported that the City Engineer had recommended that the bid of Jardim and Rodriques be rejected as he did not believe it to be a responsible bid. The report further pointed out that the company furnishing the bond for Jardim and Rodriques had been contacted and had indicated it would be happy to have the bid rejected. Investigation of bidder's record indicates that it is a new firm with limited financial reserves. On the motion of Councilman Mitchell, Richey second, the Council voted to reject the bid of Jardim and Rodriques as not being a responsible bid, and instructed the City Clerk to spread the contents of the City Engineer's memorandum and the letter from the bonding company in the minutes of the meeting. On the motion of Councilman Robinson, Richey second, the Council then voted to reject the bids of William Burkhardt and Stockton Construction Company as being substantially higher than the City Engineer's estimate, and ordered the work done by force account.

"TO: City Manager DATE: May 20, 1954

FROM: City Engineer

	Wm. <u>Burkhardt</u>	Jardim & <u>Rodrigues</u>	Stockton <u>Const.Co.</u>
3560 ft. 16" sewers	\$8,544.00	\$3,382.00	\$8,900.00
3200 ft. 18" sewers	7,880.00	3,360.00	9,440.00
10 standard manholes	1,600.00	1,000.00	1,500.00
Total	\$18,024.00	\$7,742.00	\$19,840.00

"I wish to recommend that the Jardim and Rodriques bid be rejected because I do not believe it to be a responsible bid. I believe it is impossible for them to do the work at the figure quoted. I have talked to the bonding company which would act as bidder's surety and they are very unhappy about this bid.. They would like to have the bid rejected. They have contacted the bidder who has indicated a willingness to withdraw his bid provided he is not required to forfeit his bid deposit. The bonding company tells me they have a letter in the mail to that effect, but as of Thursday afternoon, the letter has not arrived.

"From the City's standpoint, I can foresee many unpleasant relationships with the contractor if he were required to proceed, and possibly some legal action.

The bonding company's letter is as follows:

May 19, 1954

"City of Lodi  
City Engineer  
City Hall  
Lodi, California

"Gentlemen:

Re: Sanitary Sewers at Washington  
and Stockton Streets in the  
City of Lodi

"I have contacted Mr. Manuel Jardim of  
Jardim and Rodriques who bid the Sanitary Sewers  
in Lodi on the 17th of May.

"Mr. Jardim informs me if the City will  
release him without penalty, he would like to  
withdraw his bid.

Very truly yours,  
(signed) R. C. Fischer"

CLAIMS	Claims in the amount of \$76,710.29 were approved on the motion of Councilman Richey, Hughes second.
PROJECT STATEMENT STREETS	On the motion of Councilman Hughes, Mitchell second, the City Manager was authorized to sign the Project Statement for Maintenance of Secondary and Major Streets.
WASTE PAPER CONTAINERS	The City Manager presented a request from the Chamber of Commerce for permission to place re- ceptacles on the sidewalks in the business district for the collection of waste paper and trash. Coun- cilman Richey protested that the containers would not improve the appearance of the streets and side- walks. The Council agreed to instruct the City Manager to reply to the letter from the Chamber of Commerce and explain that the City Council does not wish to take any action on the request.

CITY PLANNING COMMISSION

USE PERMIT FAMILY CARE PLAN	The City Manager reported that the Planning Com- mission on May 10, 1954, received a report from the Zoning Committee of the approval of the appli- cation from Mr. and Mrs. George Seibel, 433 East Locust Street, for a State Certified Family-Care- Plan-Home.
HAM LANE PAVEMENT WIDTH	Councilman Robinson pointed out that the Planning Commission had recommended that the pavement width on Ham Lane from Lockeford Street to Turner Road be established at 60 feet and the projected plan for Ham Lane from Kettleman Lane to Turner Road have an ultimate 60½foot pavement with an 80-foot right of way. City Attorney Mullen pointed out that it would be possible to include that portion of Ham Lane north of Elm Street since curbs and gutters have not been installed between Elm Street and Lockeford Street at the present time. On the motion of Councilman Robinson, Richey second, the Council voted to establish a 60-foot pavement width on Ham Lane between Elm Street and Turner Road.

The City Council adjourned at 10:15 p.m.

ATTEST:

HENRY A. GLAVES, JR.  
City Clerk